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Attorneys for Defendant

JASON EDWARD THOMAS CARDIFF

13 Plaintiff,

14 | VS.

15 JASON EDWARD THOMAS
CARDIFF,

Defendant.

NOTICE OF SUPPLEMENTAL AUTHORITY

19 PLEASE TAKE NOTICE that counsel for Jason Cardiff invites the Court's
20
21 attention to Ninth Circuit Court of Appeals decision in Federal Trade Commission
22 v. VPL Medical, Inc. No. 20-55858 (April 28, 2021) addresses the issue of the
23 authority of the receivership under Section 23(b) of the FTC Act. A copy of the
24 decision is attached for the Court's consideration.
25

Very respectfully,

Dated: October 9, 2024

COCHELL LAW FIRM P.C.

By: /s/ Stephen R. Cochell
Stephen R. Cochell

Attorneys for DEFENDANT
Jason Edward Thomas Cardiff

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument, has been served on this 9th day of October, 2024 upon all counsel of record by email, facsimile, by regular mail or pursuant to the Court's ECF system.

/s/ Stephen R. Cochell
Stephen R. Cochell

No. 20-55858
UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Fed. Trade Comm'n v. VPL Med., Inc.

Decided Apr 28, 2021

No. 20-55858

04-28-2021

FEDERAL TRADE COMMISSION, Plaintiff-Appellee, ROBB EVANS & ASSOCIATES LLC, Temporary Receiver, Receiver-Appellee, v. VPL MEDICAL, INC., Intervenor-Appellant, JASON CARDIFF, et al., Defendant-Appellant, and EUNJUNG CARDIFF, et al., Defendants, JACQUES POUJADE, Objector.

NOT FOR PUBLICATION

D.C. No. 5:18-cv-02104-DMG-PLA ORDER
Appeal from the United States District Court for
the Central District of California

Dolly M. Gee, District Judge, Presiding Argued
and Submitted March 2, 2021

Submission Vacated March 4, 2021

Resubmitted April 28, 2021 Pasadena, California

2 *2 Before: SILER,* HURWITZ, and COLLINS,
Circuit Judges.

Submission of this case was vacated on March 4, 2021. This case is resubmitted for decision effective as of the date of this order.

As the FTC states in its brief, the district court's July 7, 2020 preliminary injunction order was entered "to preserve assets pending a final judgment that could include equitable monetary relief" in this action under § 13(b) of the FTC Act, [15 U.S.C. § 53\(b\)](#). In *AMG Capital Management, LLC v. Federal Trade Commission*, [593 U.S. ___, 2021 WL 1566607](#) (Apr. 22, 2021), the Supreme Court unanimously held "that §13(b) as currently written does not grant the Commission authority to obtain equitable monetary relief." *Id.* at *8. Accordingly, the July 7, 2020 preliminary injunction is VACATED, and the case is REMANDED to the district court for further proceedings consistent with the Supreme Court's decision in *AMG Capital Management*.

Each side shall bear its own costs.

* The Honorable Eugene E. Siler, United States Circuit Judge for the U.S. Court of Appeals for the Sixth Circuit, sitting by designation. -----